



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 18, 2022

BY ECF

The Honorable Lorna G. Schofield
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Application Granted. The change of plea hearing is hereby referred to the magistrate judge on duty. The parties shall promptly schedule a hearing date. The Clerk of the Court is directed to terminate the letter motion at docket number 9.

Dated: February 22, 2022
New York, New York

Re: United States v. Kelvin Marte, 18 Cr. 789 (LGS)

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

The parties submit this joint letter in response to the Court's docket note, dated February 1, 2022, requesting an update on the above referenced violations of supervised release conditions as well as the defendant's compliance. (Dkt. 8).

As to the status of the above referenced violations, the parties are finalizing a disposition and anticipate a change of plea within thirty days. The parties do not believe that an evidentiary hearing will be necessary.

With regard to the defendant's compliance, the Probation Department has informed the Government that the defendant submitted a diluted urine specimen on or about January 6, 2022, and tested positive for fentanyl on or about January 12, 2022. The defendant has been otherwise compliant with his conditions of release. A drug test was administered on February 17, 2022, the results of which are currently pending.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: Ashley C. Nicolas
Ashley C. Nicolas
Assistant United States Attorney

cc: Christopher A. Flood, Esq. (counsel for Kelvin Marte)
Officer Noah Joseph, Probation Department (by email)